

PLAINTIFF'S EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LATHIERIAL BOYD,)
Plaintiff,)
vs.) Case No. 13 C 7152
CITY OF CHICAGO; CHICAGO)
POLICE OFFICER RICHARD)
ZULEY, Star No. 15185;)
CHICAGO POLICE OFFICER)
LAWRENCE THEZAN, Star)
No. 9419; CHICAGO POLICE)
OFFICER STEVE SCHORSCH,)
Star No. 8955; CHICAGO)
POLICE OFFICER JOHN)
MURRAY, Star No. 3175;)
CHICAGO POLICE OFFICER)
WAYNE JOHNSON, Star No.)
4266; AND RAY KAMINSKI,)
as special)
representative of the)
Estate of former Chicago)
police officer ANDREW)
SOBOLEWSKI,)
Defendants.)

The continued video deposition of
MANU JAIN, M.D., called for examination pursuant to
the Rules of Civil Procedure for the United States
District Courts pertaining to the taking of
depositions, taken before WENDY A. KILLEN, CSR
Number 84-003772, a Certified Shorthand Reporter in
the State of Illinois, at 77 West Wacker Drive,
31st Floor, Chicago, Illinois, on April 4, 2016, at
the hour of 1:06 p.m.

1 reviewed them before I went on vacation.

2 Q. Did you do anything to prepare for today's
3 deposition?

4 A. I did not.

5 Q. You didn't speak with anyone?

6 A. I spoke to Dr. (sic) Zellner's office just
7 to confirm that we had a deposition today.

8 Q. Did you speak substantively about your
9 anticipated testimony?

10 A. No.

11 Q. I'm going to hand you what we've
12 previously marked as Exhibit 4.

13 And for the record, that's a copy of your
14 expert report, is it not?

15 A. That's correct.

16 Q. Turning your attention to Paragraph 12, it
17 states, Furthermore, on March 11, 1990, if it is
18 true that Mr. Warner became unconscious when the
19 ventilator tubing was accidentally disconnected
20 from the tracheostomy tube, this suggests that
21 Mr. Warner could not be off the ventilator for even
22 a short period of time safely.

23 Did I read that correctly?

24 A. Yes.

1 A. Well, he had an elevation in his CO2 and
2 he was more hypoxic, desaturated, which could
3 indicate -- which could be both a cause and a
4 complication of becoming unconscious.

5 Q. Where does it indicate on Exhibit 13 that
6 he was hypoxic?

7 A. Where you have -- well, he says
8 desaturated up there at the beginning of the first
9 sentence, O2 desaturation, so that means he's
10 hypoxic. O2 desaturation means that the percent of
11 oxygen in your blood is decreased, and that is the
12 same way or similar way of saying you're hypoxic.

13 And if you actually look at the numbers,
14 there's a couple of blood gases which are written
15 down. And the number -- the last number to focus
16 on is the 82 and then the 87. And then finally, it
17 gets up to 96. Both 82 and 87 are very low. They
18 are dangerously low, indicating that he is hypoxic.

19 Q. Does someone with a blood gas level of
20 82 -- is that person always necessarily
21 unconscious?

22 A. No.

23 MR. JOHNSON: Objection to the form of the
24 question.

1 Mr. Warner experienced are able to breathe with the
2 cuff deflated for short periods of time allowing
3 them to make audible sounds while communicating
4 verbally with family, caregivers, and others. The
5 amount of time is variable from patient to patient.

6 Q. Do you agree or disagree with that
7 statement?

8 A. I would agree with that statement.

9 Q. How about the part where it says,
10 Mr. Warner experienced -- strike that.

11 It says starting up with type of spinal
12 cord injury resulting in paralysis of the diaphragm
13 that Mr. Warner experienced are able to breathe
14 with the cuff deflated for short periods of time.

15 Is it correct, though, that there is no
16 indication in this record that the cuff was ever
17 deflated for Mr. Warner?

18 MS. FORDYCE: Objection, asked and answered,
19 leading.

20 THE WITNESS: That is correct.

21 BY MR. JOHNSON:

22 Q. So would it be your opinion that
23 Mr. Warner did not speak?

24 A. That is correct.